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October 26, 2022

VIA CM/ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *In re Google Digital Advertising Litigation*, 1:21-md-03010 (PKC)

Dear Judge Castel:

We write in relation to Private Plaintiffs' October 5, 2022 motions for leave to amend, ECF Nos. 316, 318, 320, 325. Pursuant to Your Honor's individual practices, we note that no conference is currently scheduled.

On October 5, 2022, four Class Action or individual plaintiffs filed motions for leave to amend their complaints, each attaching a new proposed amended complaint. Each proposed amended complaint contained changes that "do not fall entirely within the definition of Conforming Amendments." ECF No. 309, ¶ 3.

Google does not oppose Private Plaintiffs' motions for leave to amend; however, Google reserves all rights in responding to Plaintiffs' amended complaints, including forthcoming motions to dismiss.¹

¹ We understand that Meta Platforms, Inc. ("Meta") opposes the proposed amendments submitted by the Putative Advertiser Class and the Newspapers. Google agrees with Meta that the Advertisers' and Newspapers' allegations regarding the Network Bidding Agreement simply repeat the flawed theory that the Court rejected in its Order regarding the States' complaint, the proposed amendments fail to state a claim and are therefore futile. However, because Google intends to move to dismiss claims based on both Conforming and Non-Conforming Amendments, Google will present our arguments in a pre-motion letter for leave to file motions to dismiss the amended complaints. To the extent these amendments regarding the NBA are permitted, Google will move to dismiss them under Federal Rule of Civil Procedure 12(b)(6).

**WILSON
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We intend to file a pre-motion letter for leave to file motions to dismiss the Class Action and individual plaintiffs' amended complaints by Friday, November 4. *See* ECF No. 309, ¶ 4.

Respectfully submitted,

/s/ Justina Sessions

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cc: All Counsel of Record (via ECF)